

MINUTES OF PUBLIC HEARING HELD BY BOARD OF TRUSTEES OF VILLAGE OF
BRONXVILLE ON JUNE 14, 2004 AT VILLAGE HALL, 200 PONDFIELD ROAD,
BRONXVILLE, N.Y.

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PRESENT:	Nancy D. Hand	Mayor
	Thomas M. Leslie	
	Frank V. Sica	
	Mary C. Marvin	
	Glenn D. Bellitto	Trustees
ALSO PRESENT:	Ned W. Branthover	Village Counsel
	Harold Porr III	Village Administrator
	Brian M. Downey	Chief of Police
	Vincent Pici, P.E.	Superintendent of Buildings
	Robert J. Fels	Village Treasurer
	William J. Murphy	Parking Commissioner

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Mayor Hand called the public hearing to order at 8:10 P.M. continuing the hearing from last month to hear and consider comments on proposed Local Law No. 3 of 2004 amending Chapter 310 ZONING, of the Code of the Village of Bronxville pertaining to properties located in the Village's Central Business District A and Service Business District B zones.

Village Administrator Porr verified that due notice of the public hearing had been given by posting and publication.

Mayor Hand said that village officials had concerns about some sections of the proposed local law and had been discussing some changes with our planning consultant and Vincent Pici as well as our special counsel. She asked Superintendent of Buildings Pici to go over some of the recommended changes. She said we don't have anything in writing yet with respect to these changes but we expect to have them by the end of the week and they will be made available to the public.

Mayor Hand and Superintendent of Buildings Pici went through the suggested revisions to the local law, as follows:

At the bottom of page 2, section 310-14 A. (3) (a) "No personal service establishment shall occupy street level space . . ."

– Delete Palmer Avenue reference.

Mr. Pici said there are many personal service establishments on Palmer Avenue and we don't want to necessarily change that to a large degree. Mayor Hand noted that Palmer Avenue is almost entirely service oriented. With the change to the code as proposed, Palmer Avenue retail establishments would almost entirely then be non-conforming.

On page 3, section 310-14 A. (4) (a) "No office shall occupy street level space on Pondfield Road between Kraft Avenue and Cedar Street/Tanglewylde Avenue, or on Palmer Avenue between Parkway Road and Paxton Avenue." Mayor Hand said she personally thought that it was a good thing on Palmer Avenue, but she knew some of the Trustees felt differently. She said because of the nature of the uses on Palmer Avenue now, we thought it important to keep it the same. Mayor Hand said we'll leave this section as it is for now.

On page 3, section 310-14 A. (8) (b) "No dwelling unit shall exceed 2,000 gross square feet in area." – Mayor Hand said they were talking about exceptions by special

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permit to be able to give the Planning Board the ability to grant up to 6,600 sq. ft. which would be very much what we do in the residential district. Mr. Pici said that we're looking to give more flexibility to the Planning Board. What we're trying to do is to have some consistency between the residential and business districts. The Planning Board would have discretion within the 6,600 sq. ft.

Mr. Pici said another change that was mentioned at the last meeting was the restriction of street-level parking. Mr. Pici said the subject of street level parking is going to be put in the section under Off-Street Parking Controls. The intent was to prohibit people from putting parking on the first level along Pondfield Road and putting their office on the second floor. There will be a provision to allow buildings set back from the street to have street level parking provided it is fully enclosed in the building.

Mr. Pici said there will also be a restriction in section (8) (a) that parking can't be on the same level as residences. The language will require that residential uses be separate from all other uses. You can't have a mixed use on the same level.

Trustee Leslie said if you are going to allow, by special permit, a 6,600 sq. ft. residence, do you think its appropriate to leave the three bedroom limitation? There was some discussion on this subject. Mr. Pici said, looking back at the Avalon project, they thought three was a reasonable number without having a potential impact on the school. You could go to the Zoning Board and get a variance for additional bedrooms. Mayor Hand said she might be in favor of adjusting the maximum number of bedrooms.

On page 4, Section 310-14 D. (5). "No front, side or rear yard is required of any lot" - Change to read "on any lot." Mr. Pici said this was a typographical error.

Jim Staudt, special counsel for the village, advised the Board that if they want to have the flexibility to be able to act on the local law at the July meeting, when they reach a consensus on the substance of the changes, they should direct that the changes be made and notice a public hearing on the proposed local law in the newspapers.

Mayor Hand then called for public comments.

Dorothy Brennan, 69 Sagamore Road, said that years ago we would wouldn't allow businesses on the first floor. She said since the Gramatan Hotel came down, now there's all businesses there. She said she would hope it would stay that way on Palmer Avenue.

As far as bedrooms, Mrs. Brennan said we have this huge addition to the school. She said she has five bedrooms and has three children. She has rooms for guests. She didn't know why the village was "playing" with just three bedrooms.

Robert F. Davis, an attorney with the law firm Shamberg Marwell Hocherman Davis & Hollis, P.C., said he was here this evening on behalf of their client Steven Green. He noted that he had commented on the number of bedrooms allowed at the last meeting and asked the Board to take another look at that. He said they strongly oppose the three bedroom limit and the restrictions on apartment size. He said that his client seems to be the person most affected by the zoning changes. At the very least, he said that his client's application should be grandfathered.

Thomas Wolff, a Village resident, said in several places in the proposed local law it refers to areas in the Central Business District and Service Business District on Pondfield Road and Cedar Street/Tanglewylde Avenue. He asked for some clarification on these locations.

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Mr. Wolff asked about the restriction on banks and real estate offices. Mayor Hand responded that existing banks and real estate offices are grandfathered. Mr. Pici said they will become legal nonconforming uses.

Mr. Wolff said on the last page, under Article V., it indicates that Section 310.25.E is going to be entirely deleted. He asked what is in that section that's going to be deleted.

Mr. Pici said he would have to look at the Code. Trustee Sica pointed out that the Village Code is available through the website. Mayor Hand said we would make the Code available to Mr. Wolff to inspect. Mr. Wolff also asked about special permits.

Jonathan Gordon, President of Admiral Real Estate Services said he represents eight buildings in the Central Business District. He asked if the zoning changes will effect leasing the space vacated by The Gap and about the grandfathering provision. He also asked how it would affect banks. Mr. Pici responded that regarding that 4500 sq. ft. area vacated by The Gap, as long as another retail use went in there would be no time limit. He said the bank is another matter – it's a special permit and there would be a one year time limit for another bank to go in there.

Mr. Gordon asked if there will be a provision that a special permit will be granted as long as the tenant is occupying that space.

Florence Kooluris, a Village resident and merchant, asked if they were looking at safety issues of ingress and egress to 100 Pondfield Road between Studio One and the liquor store on Pondfield Road in case there is ever a fire. Mayor Hand responded that it was a Planning Board issue. The Fire Department usually inspects it. Mr. Pici added, in addition to these requirements, there are building code and fire code requirements.

Trustee Leslie noted that this statute is directed at the entire business district and not just a particular property.

Steven Green, 100 Pondfield Road Realty Corp., said he wanted to make a couple of statements in terms of limiting bedrooms. Mr. Green said he read a report recently that said that the number of bedrooms, once a building is a certain size, doesn't really matter when it comes to family size. Most people use those extra rooms as dens, offices, etc. With regard to fire safety, he said his particular property is poured concrete. It would have to be brought up to fire code regulations. He said fire safety would be greater than it is now. Mr. Green said if there any other questions with regard to his property he would be happy to meet and discuss them and he is amenable to questions from the Trustees and members of the Planning Board.

Mayor Hand said that we will make the changes to the proposed law and have another public hearing in July and vote on the legislation at that time.

The Mayor then called for Trustee comments.

Trustee Bellitto said he disagreed with what Mr. Davis said when he mentioned that he didn't think any of these residential square footage caps would have been proposed if there wasn't an application for 100 Pondfield Road. To give his personal perspective on it, Trustee Bellitto said he was delighted when Mayor Hand asked him to be the Trustee Liaison to the Zoning Committee. He said he used to live near the business district and walk his dog there in the mornings and evenings. One of the things that struck him about the business district was how interesting it was to have a lot of varied small store fronts. It gave a lot of visual appeal to the business district. Another thing was how nice it was to have modest residences above the stores. He said when the committee was discussing size limitations they decided to put a cap both on commercial and residential units. They came up with a cap of 3500 sq. ft. for commercial which they thought was acceptable. They looked at the

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current square footage of existing businesses and residences. Vincent Pici helped them to guesstimate on the residential square footage. They thought 2,000 sq. ft. would be a good number to go with. Tonight we're talking about making exceptions up to 6,600 sq. ft. The three bedroom limit correlated with the 2,000 sq. ft. limit for residences. He thought there might be room for movement here. Trustee Bellitto said the 2,000 sq. ft. wasn't related to Steven Green's property. He always thought that 100 Pondfield Road would require a zoning variance.

Mr. Green said he was absolutely delighted to hear that this is not directed against his property at 100 Pondfield Road. He said he enjoys the character of the Village and the disparity is what gives Bronxville its character.

Mayor Hand said that all of us over the years, as we have been looking at the Community Plan, felt that the business district was very important to the Village not only to our economic health, but we all want to keep our business district active and alive. In this case we looked at the entire business district and we always encourage development that is appropriate to the existing pattern of development. The small town ambiance is important to us and we want to keep it that way. The Community Plan encourages development of appropriately scaled multi-family units adjacent to or within the Central Business District. The Mayor said, as we talk about the size of retail establishments, we are very much encouraging of the small retailer and having the kinds of shopping experience that is different than shopping in large department stores. The Community Plan encourages small scale storefronts and pedestrian friendly shopping.

Mayor Hand asked the Trustees if they were comfortable with the following changes:

On page 2, section 310-14 A. (3) (a) "No personal service establishment shall occupy street level space . . ."

- Delete Palmer Avenue reference. The Trustees agreed.

On page 3, section 310-14 A. (4) (a) "No office shall occupy street level space on Pondfield Road between Kraft Avenue and Cedar Street/Tanglewylde Avenue, or on Palmer Avenue between Parkway Road and Paxton Avenue." Mayor Hand said she would like to encourage retail use on the first floor. In general she doesn't like to see offices on the first floor. Following discussion, the Trustees agreed to leave this as is.

On page 3, section 310-14 A. (8) (a) "Separate dwelling units may be allowed above the street level floor of a building and in no case shall residential use be allowed as a street level use." Mayor Hand said we are going to have some kind of provision that prohibits residential and parking on the same floor. Mr. Pici said basically residential and businesses would have to be on separate floors. Only residential uses may be on the same level. You could have a building with multiple uses.

On page 3, section 310-14 A. (8) (b) "No dwelling unit shall exceed 2,000 gross square feet in area." - Add: "Such limit may be increased by special permit of the Planning Board in accordance with standards of Article VII of this chapter to a gross square footage not to exceed 6,600 square feet."

On page 3, section 310-14 A. (8) (c) "No one dwelling unit shall have more than three bedrooms." Board members discussed whether to set a limit on the number of bedrooms. Some were in favor of eliminating this clause. They also discussed increasing to 5, 6 or 7 the maximum number of bedrooms allowed by special permit of the Planning Board. Mr. Pici pointed out that if you don't set a limit the Planning Board can give the applicant any number they like. Following more discussion, it was agreed to add: "Such limit may be increased to a maximum of six bedrooms by special permit of the Planning Board." Mayor Hand added that we would leave it for now with a maximum of six bedrooms, with further discussion between now and the July meeting.

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On page 3, section 310-14 A. (8) (e) Eliminating first sentence "In no case shall parking be allowed as a street level use." It was recommended that a parking provision be added on page 5 under "Off-Street Parking Controls" as follows "Parking shall not be a principal street level use unless fully enclosed in an existing building, when such building is set back a minimum 50 feet from the street line. The same language would be added on page 8 under parking provisions.

There were no objections from the Trustees to any of the above changes.

At 9:15 p.m., on motion of Trustee Leslie, seconded by Trustee Marvin the Board voted to adjourn the public hearing and to hold another public hearing on the proposed local law, as revised, at the meeting in July.

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Harold Porr III, Village Clerk